

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1 through 20 were pending in the application. By way of this amendment, claims 2 and 17 to 19 have been cancelled. Thus, claims 1, 3 to 16, and 20 are pending.

The applicant appreciates the Examiner's indication that claims 9, 15, and 19 contain allowable subject matter. Claims 9 and 15 have essentially been placed in independent form, with modifications based on the objections to the drawings and specification.

The applicant appreciates the Examiner's acknowledgement of the information disclosure statements of October 18, 2004 and January 18, 2005. It is noted that an information disclosure statement was submitted on January 14, 2004. Acknowledgement and consideration of the information submitted in the January 14, 2004 information disclosure statement are respectfully requested.

The drawings stand objected to as not showing subject matter of claims 17-19. Claims 17-19 have been cancelled, thus rendering this objection moot. Similarly, the specification stands objected to in connection with claims 17 to 19 and thus these objections are also moot. With respect to the Examiner's objection to the specification regarding claims 9 and 10, please note that the specification has been amended to provide more clear antecedent basis for these claims. Withdrawal of the objection is respectfully requested.

Independent claims 1 and 20, and various dependent claims, stand rejected based on Van Tassel.

By way of this amendment, independent claims 1 and 20 have been amended to further define the invention. More specifically, the claims have been amended to recite a passage, passing through the body, and an insertion tube which comprises a fluid communication pathway between a liquid inlet opening near a distal end and a duct. Furthermore, the claims have been amended to recite that the passage and the fluid

communication pathway are adapted to permit a member to be threaded in a substantially straight path there through between a proximal end and a distal end of the indicator device. In one embodiment of the instant invention illustrated in the figures, the passage is implemented as passage 22 and the fluid communication pathway is implemented as pathway 6. In the illustrated embodiment, as shown for example by Figure 1, passage 22 and fluid communication pathway 6 are adapted to permit a member (such as a guide rod 5) to be threaded in a substantially straight path between a proximal end and a distal end of the indicator device. This is in contrast to Van Tassel which has a closed off distal end 17, 86, or 140. This is a significant feature of the present claimed invention as discussed in the last paragraph on page 8 of the present application because such a design allows a device such as a guide wire, a guide rod 5, or a dilator to pass through the insertion device.

Because Van Tassel does not disclose or suggest at least these features of the amended claims, the amended claims are clearly patentable over Van Tassel. Independent claim 1 and associated dependent claims also stand rejected based on Hyman. Because the Hyman patent does not disclose or suggest the features discussed above, the amended claims are clearly patentable over Hyman.

The secondary references do not overcome the deficiencies of the primary references.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of

papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R.
§1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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